

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

\*E-FILED - 10/26/07\*

In re ESS TECHNOLOGY, INC.  
SECURITIES LITIGATION

) Master File No. C-02-4497-RMW

) CLASS ACTION

This Document Relates To:

) XXXXXXXXXXXXXXXXXXXX ORDER AWARDING  
) ATTORNEYS' FEES AND EXPENSES

ALL ACTIONS.

) DATE: July 27, 2007

) TIME: 9:00 a.m.

) COURTROOM: The Honorable  
) Ronald M. Whyte

1 THIS MATTER having come before the Court on July 27, 2007, on the application of  
 2 counsel for the Lead Plaintiff for an award of attorneys' fees and expenses incurred in the captioned  
 3 action; the Court, having considered all papers filed and proceedings conducted herein, having found  
 4 the settlement of this action to be fair, reasonable, and adequate and otherwise being fully informed  
 5 in the premises and good cause appearing therefor;

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

7 1. All of the capitalized terms used herein shall have the same meanings as set forth in  
 8 the Stipulation of Settlement and Release dated as of November 12, 2006 (the "Stipulation"), and  
 9 filed with the Court.

10 2. This Court has jurisdiction over the subject matter of this application and all matters  
 11 relating thereto, including all Members of the Class who have not timely and validly requested  
 12 exclusion.

13 3. The Court hereby awards Lead Counsel attorneys' fees of 15% of the Settlement  
 14 Fund, plus payment of litigation expenses in the amount of \$366,493.66 together with the interest  
 15 earned thereon for the same time period and at the same rate as that earned on the Settlement Fund  
 16 until paid. The Court finds that the amount of fees awarded is appropriate and that the amount of  
 17 fees awarded is fair and reasonable under the "percentage-of-recovery" method given the substantial  
 18 risks of non-recovery, the time and effort involved, and the result obtained for the Class. *See*  
 19 *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043 (9th Cir. 2002).

20 4. The fees shall be allocated among plaintiff's counsel by Lead Counsel in a manner  
 21 which reflects each such counsel's contribution to the institution, prosecution and resolution of the  
 22 captioned action.

23 5. The awarded attorneys' fees and expenses and interest earned thereon shall  
 24 immediately be paid to Lead Counsel subject to the terms, conditions and obligations of the  
 25 Stipulation, and in particular ¶6.2 thereof, which terms, conditions and obligations are incorporated  
 26 herein.

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(rmw)

IT IS SO ORDERED.

DATED: 10/26/07

*Ronald M. Whyte*

THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE

Submitted by:

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XXXXXXXXXXXXXXXXXXXX ORDER AWARDING ATTORNEYS' FEES AND EXPENSES - C-02-4497-RMW

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Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I further certify that I caused this document to be forwarded to the following designated Internet site at: <http://securities.lerachlaw.com/>.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 20, 2007.

s/ Joy Ann Bull  
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